



Posted: JWitte

CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Board of Massage and Bodywork</b>
MEETING DATE AND TIME:	<b>Thursday, October 20, 2011 at 1:30 p.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor Cannon Building
MINUTES APPROVED:	November 17, 2011

**MEMBERS PRESENT**

Gordon Gelley, Public Member  
Sharon Harris, Public Member, Secretary  
Wayne Dawson, Professional Member  
Sandra Jachimowski, Professional Member  
Rachel Dunning, Public Member

**MEMBERS ABSENT**

Holly Overmyer, Professional Member, President  
Lora Bryner, Professional Member, Vice-President (temporarily suspended from Board duties)

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER**

Eileen Heeney, Deputy Attorney General  
Jennifer Witte, Administrative Specialist II  
Shelly Ide, Administrative Specialist II

**OTHERS PRESENT**

Edith Menchyk  
Jennifer Haldas  
Khalil Abdul-Majid  
Eloise Wilmore  
James Wilmore

**CALL TO ORDER**

Ms. Harris called the meeting to order at 1:32 p.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the September 15, 2011 meeting. A motion was made by Mr. Gelley, seconded by Mr. Dawson, to approve the minutes as presented. The motion unanimously carried.

The agenda was amended to discuss the Joint Sunset Committee September Progress Report.

Ms. Warren, Deputy Director, addressed the Board with the Joint Sunset Committee's September 2011 Update in summarization as follows:

Recommendation B1-A stated in the April 2011 update, the Board has no plans for additional regulation of bodywork modalities at this time.

Recommendation B2-The Board will submit a statutory change to the JSC to comply with the recommendation of designating additional certifying bodies.

Recommendation B3-The Board has developed treatment of minor provisions for the massage practice setting to be included in a bill with other healthcare professions for consideration by the JSC in January 2012.

Recommendation B4-The Board will submit a statutory change to the JSC requiring ethics, law and contraindications for permanent licensure.

For the November meeting, Ms. Heeney will have three options for the Board to review and there will be a formal decision made at that meeting.

## **UNFINISHED BUSINESS**

### **Re-Review of Audits**

After re-review of additional documentation, a motion was made by Mr. Dawson, seconded by Ms. Dunning, to approve the post renewal audit of Cathy Robinson. The motion unanimously carried.

After re-review of additional documentation, a motion was made by Mr. Dawson, seconded by Ms. Dunning to deny the post renewal audits of Debra Rose and Joyce Johnson. The motion unanimously carried.

## **NEW BUSINESS**

### **Ratification of Temporary Massage Technician Certifications**

A motion was made by Mr. Dawson, seconded by Ms. Dunning, to approve the ratification of the Temporary Massage Technician Certificate applications of Debra Mazcko, Zameka Nichols and Glenda Serman. The motion was unanimously carried.

### **Ratification of Massage Technician Certifications**

A motion was made by Mr. Dawson, seconded by Ms. Dunning, to approve the ratification of the Massage Technician Certifications of Lisa Boulden, Elvia Carbajal, Ann Bartley, Katie Cooley, Gina Perez, Ashley Hammaker, Deanna Underwood, Leticia Reyes, Qiu Ping Feng, Michele Bartley, and Jeffrey Baldovich. The motion was unanimously carried.

### **Ratification of License Massage Therapists Applications**

A motion was made by Mr. Dawson, seconded by Ms. Dunning, to approve the ratification of the Massage Therapist applications of Barbara Ascarino, Joan Alexander, Laura Coseglia, Jeremy Rosenberg, James Biddle, Cynthia Griffin, Leslie Maxwell, Gabriel Johnson, Joy Brusetti, and John Blue. The motion unanimously carried.

### Continuing Education Reviews

After review, a motion was made by Ms. Jachimowski, seconded by Mr. Dawson, to approve the following applications for continuing education:

#### Avenue Apothecary and Spa

Bamboo Fusion, 16 hours, core

#### Full Circle, Inc.

SMRT: Head and Neck with SMRT Cranial Sacral Therapy, 24 hours, elective

The motion unanimously carried.

### Review and Deliberation of Hearing Officer's Recommendation to the Board

After review, the Board signed the Hearing Officer's Recommendations for Maureen Toole, Marque Hales, Isabella Campbell, Cheryl Tucker and Gloria crews.

A motion was made by Mr. Dawson, seconded by Mr. Gelley, to table the review of the Hearing Officer's Recommendations of Ashley Whiteley, Monika Scarborough, Elaine Russel, Lisa Newton, Heather Ferguson, Erina Frazer, Michelle Oxley, Trisha Smith, George McKinney, Patricia Rimel, and Alejandro Valencia. The motion unanimously carried.

The Workshop Meeting will be scheduled for November 17, 2011 at 11:00 am and be used to review the Hearing Officer Recommendations.

### Applications for Review-Eileen Heeney

After review, a motion was made by Ms. Dunning, seconded by Mr. Dawson, to propose to deny the Massage Technician application of Khalil Abdul-Majid based on his criminal history. The motion unanimously carried.

### Complaint Status

20-03-10-Forwarded to AG's Office  
20-09-10-Forwarded to AG's Office  
20-10-10-Forwarded to AG's Office  
20-11-10-Open  
20-12-10-Open  
20-13-10-Open  
20-14-10-Open  
20-16-10-Open  
20-02-11-Assigned  
20-03-11-Forwarded to AG's Office  
20-04-11-Forwarded to AG's Office  
20-05-11-Forwarded to AG's Office  
20-06-11-Forwarded to AG's Office

## **CORRESPONDENCE**

There was an email from Wendy Forrest, President of the Delaware Chapter AMTA, extending an invitation to the Board to attend the after meeting dinner on November 17, 2011.

## **OTHER BUSINESS**

Ms. Witte was the Delaware representative at the 2011 FSMTB Annual Meeting that was held in Redondo Beach, California the week prior to today's meeting and reported that there were several areas where Delaware needed to catch up to other states.

Human Trafficking is a growing problem across the nation. There are several legislative changes that could help prevent this in Delaware, such as the licensure of massage establishments.

Licensing the massage schools as well as the massage instructors is another area that should be a future discussion of the Board.

Also, there were 38 State representatives at the FSMTB Annual Meeting and of those 37 have adopted the MBLEx Licensing Examination. Delaware was the State that had not. There are new members on the Board and a representative from FSMTB is willing to come to a future Board meeting to discuss the benefits to adopting this exam.

The Board agreed with the possible adoption of the MBLEx exam and asked that Ms. Witte have a representative from FSMTB come back to discuss Delaware adopting this exam.

The Board asked that further discussion of legislative changes regarding licensure of massage establishments, schools and instructors be added to the November 17, 2011 meeting.

## **PUBLIC COMMENT**

Khalil Abdul-Majid attended the meeting under the impression that he was coming for a hearing. Ms. Heeney advised him that his application was proposed to deny and a letter would be drafted and sent to him at which point he can request a hearing before the Board.

Jennifer Haldas addressed the Board and provided a copy of Senate Bill 74 (from 1997) because she was interested in working at her husband's chiropractic office as a massage therapist. The Board advised her that there were no regulations stating that she cannot work in a chiropractic office.

## **NEXT SCHEDULED MEETING**

The next meeting is scheduled for November 17, 2011 at 1:30 p.m.

## **ADJOURNMENT**

There being no further business, a motion was made by Mr. Gelley, seconded by Mr. Dawson, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 4:07 p.m.

Respectfully submitted,

Jennifer Witte  
Administrative Specialist II